

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2212 OF 2022

Ajay Daji Bansode ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Rajaram V. Bansode for Applicant.
Mr. A. A. Palkar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 19, 2022

P.C. :

The applicant, a public servant, is seeking pre-arrest bail in Crime No.412 of 2022 registered with Barshi City Police Station, District - Solapur (Rural) for the offence punishable under Sections 323, 324, 327, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Case of the prosecution against the applicant is, the applicant along with his father visited the complainant and forced him to give consent for decreeing the suit for partition which is pending *inter se*. Upon resistance by the complainant, the applicant assaulted the complainant with an iron rod.

3. I have heard the rival submissions.

4. A perusal of the injury certificate depicts that the complainant has suffered simple injuries. The father of the applicant has initiated suit for partition viz. Regular Civil Suit No.452 of 2019 against the father of the complainant in which the father of the complainant has consented on 14.06.2019, Exhibit-6. As such, the claim put forth by the complainant that since he refused to give consent which was asked by the applicant, the applicant has assaulted him appears to be far away from the stretch of imagination.

5. Apart from the above, the pendency of the civil dispute *inter se*

between the parties, the nature of injuries suffered by the applicant and the fact that the applicant is a public servant, prompts this Court to grant bail.

6. That being so, the ad-interim protection ordered by this Court stands confirmed.

7. In the event of arrest of the applicant in Crime No.412 of 2022 registered with Barshi City Police Station, District - Solapur (Rural) for the offence punishable under Sections 323, 324, 327, 504, 506 read with Section 34 of the IPC, he be released on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount. Applicant shall attend the Investigating Officer from 26th to 30th September, 2022 between 10:00 a.m. and 12 noon and thereafter as and when directed by the Investigating Officer. The said applicant shall not directly or indirectly try to influence the prosecution witnesses and tamper with the evidence.

8. Application is disposed of accordingly.

(NITIN W. SAMBRE, J.)

Minal Parab